

**REMARKS**

The present amendment is submitted in response to the Office Action mailed June 22, 2005. Claims 15-34 are currently pending in the application. By the present amendment, Claims 15, 20, 25 and 30 have been amended. No new matter or issues are believed to be introduced by this amendment. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

**35 U.S.C. §102(a)**

Claims 15, 18-20, 23-25, 28-30, and 33-34 were rejected under 35 U.S.C. §102(a) as being anticipated by WO 0013426 - Cho et al. (hereafter Cho).

Independent Claim 1 has been amended herein to better define Applicant's invention over Cho. Claim 1 recites limitations and/or features which are not disclosed by Cho.

Claim 1 as amended herein recites:

15. A radio communication system, comprising:
- a primary station operable to transmit a random access channel status message indicating an availability of random access channel resources;
  - a plurality of secondary stations operable to receive the random access channel status message, wherein each secondary station is further operable to determine which random access channel resources to request based on the random access channel status message; and
  - wherein said primary station is further operable to dynamically allocate a bit rate to a single random access channel, irrespective of the allocated bit rate, in response to a request for at least one random access channel resource from one of said plurality of secondary stations.

The claim 1 system supports “wherein said primary station is further operable to dynamically allocate a bit rate to a single random access channel, irrespective of the allocated bit rate, in response to a request for at least one random access channel resource from one of said plurality of secondary stations.” This feature is directed to the allocation of a single random access channel per request, irrespective of the bit rate. This feature is not shown or suggested in Cho.

Cho dynamically allocates bit rates via a base channel (i.e., 16Kbps) and assigns **an additional channel, via the AR field**, in those cases where a variable band assignment should be set. In these cases, the AR field is set to a value other than zero. Cho teaches that when the mobile station attempts a random access, if control information like a channel assignment request is to be transmitted, an NR (Necessary Rate) field and an AR (Additional Rate) field should be additionally set. The transmission rate of a channel which should be assigned to a mobile station for data transmission to a base station is set in 16Kpbs units in the NR field. In the AR field, the transmission rate of **a channel which can be additionally assigned** for variable band assignment should be set. If the mobile station sets the NR and AR to 0s, which implies it requests for a 16Kbps channel only, additional channel assignment is not considered. See Cho at Col. 9, lines 21-24 thru Col. 10, lines 1-4.

It is respectfully submitted that at least the limitations and/or features of Claim 15 which are underlined and italicized above is not anticipated by the disclosure of Cho.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(a) with respect to Claim 15 and allowance thereof is respectfully requested.

Additionally, Claims 18-19 depend from independent Claim 15 and therefore contain the limitations of Claim 15. Hence, for at least the same reasons given for Claim 15, Claims 18-19 are believed to be allowable over Cho.

Independent Claims 20, 25 and 30 as amended, recite similar subject matter as Claim 15 and therefore contain the limitations of Claim 15. Hence, for at least the same reasons given for Claim 15, Claims 20, 25 and 30 are believed to be allowable over Cho. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(a) and allowance of Claims 20, 25 and 30 is respectfully requested.

As to dependent claims 23-24, 28-29, and 33-34 which depend from Claims 20, 25 and 30, respectively, they too are believed to satisfy the requirements for statutory subject matter under 35 USC §102(a) for at least the same reasons given above for Claims 20, 25 and 30. Accordingly, Examiners withdrawal of the rejections under 35 USC 102(a) is respectfully requested.

### **35 U.S.C. §103(a)**

Dependent Claims 16, 17, 21, 22, 26, 27, 31 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cho in view of WO 00/07401 – Aftelak et al.

Claims 16-17, 21-22, 26-27 and 31-32 depend from independent Claims 15, 20, 25 and 30, respectively and therefore contains the limitations of Claims 15, 20, 25 and 30. Hence, for at least the same reasons given for Claims 15, 20, 25 and 30, Claims 16-17,

21-22, 26-27 and 31-32 are believed to be allowable over the cited references, alone and in combination.

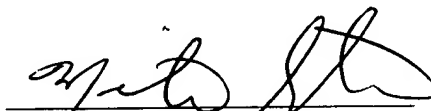
Accordingly, applicants respectfully request that the rejection under 35 U.S.C. §102(a) with respect to Claims 16-17, 21-22, 26-27 and 31-32 and allowance thereof is respectfully requested.

### Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 15-34 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Michael Scaturro, Esq., Outside Intellectual Property Counsel, Philips Electronics North America, at 516-414444-2007.

Respectfully submitted,



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